

DOCKET NO: 249568US6

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
DAISUKE IMIYA, ET AL. : EXAMINER: PATEL, AJIT
SERIAL NO: 10/790,006 :
FILED: MARCH 2, 2004 : GROUP ART UNIT: 2616
FOR: DATA COMMUNICATION :
SYSTEM, INFORMATION PROCESSING
APPARATUS, INFORMATION
PROCESSING METHOD, AND
PROGRAM

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant acknowledges with appreciation the indication of allowability of the claimed invention. In response to the Examiner's Statement of Reason for Allowance in the Notice of Allowance of November 5, 2007, Applicant respectfully submits the following comments.

In the Examiner's Statement of Reasons for Allowance on page 2 of the Notice of Allowance mailed November 5, 2007, paragraph 1 states in part:

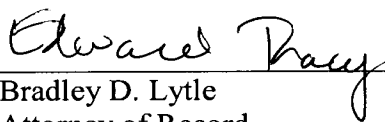
The prior art of the record fails to disclose reference value setting means for setting a maximum reference value of a transmission rate based on the first information acquired from said other information processing apparatus and on transmission rate of said information processing apparatus; and transmission rate controlling means for controlling a transmitting or receiving transmission rate of the data to or from said other information processing apparatus within a range of the maximum reference value set by said reference

value setting means in combination of other limitations recited
in claims 1, 2, 10, and 11.

Although the above statement may be accurate with respect to Claim 2, it is
respectfully noted that none of Claims 1, 10, and 11 include any of the elements recited
above. Accordingly, it is respectfully submitted that the above-quoted statement applies only
to independent Claim 2 (and claims dependent therefrom), and not to independent Claims 1,
10, and 11 (and claims dependent therefrom).

Respectfully submitted,

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